

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

STATE OF WASHINGTON,

v. Plaintiff,

JOHN GRIFFIN HEADRICK,

Defendant.

CASE NO. 19-5015 BHS

ORDER WITHDRAWING
REFERRAL, DENYING
DEFENDANT'S MOTION TO
PROCEED *IN FORMA PAUPERIS*,
AND REMANDING

This matter comes before the Court on John Griffin Headrick's ("Headrick")

motion to proceed *in forma pauperis* and proposed removal. Dkts. 1, 1-2.

On May 13, 2019, Headrick filed the motion and proposed removal seeking to

remove his state criminal matter from state court to federal court. *Id.* The Clerk referred

the motion to United States Magistrate Judge David W. Christel pursuant to Western

District of Washington General Order 02-19. *Id.*

Upon review of the material, the Court finds:

ous that the referral should be withdrawn, and an order immediately remanding

¹¹ See also the discussion of the Grotius and Vattel approaches to the law of war in Part II.

¹ See also *id.* at 1, 20 U.S.C. § 1015(c)(2)(B)(i). The Senate bill, H.R. 1411, contains a similar provision.

the action is frivolous. 28 U.S.C. § 1911(b)(2)(A). The Court finds that this action is

1 frivolous because a defendant facing charges for violations of state criminal statutes may
2 not remove a proceeding from state court to federal court as a federal court does not have
3 jurisdiction over state criminal matters. If Headrick has defenses based on his federal
4 rights, he should present those defenses in state court. Therefore, the Court withdraws
5 the referral, **DENIES** Headrick's motion to proceed *in forma pauperis*, and directs the
6 Clerk to remand the matter to Grays Harbor Superior Court for the State of Washington.

7 **IT IS SO ORDERED.**

8 Dated this 16th day of May, 2019.

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12 BENJAMIN H. SETTLE
13 United States District Judge
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